

REMARKS

Upon entry of the foregoing Amendment, claims 1-4, 8-11, 17-23, and 29-31 are pending in the application, claims 5-7, 12-16, and 24-28 having been previously canceled. Claims 1, 8, 17, 29, and 30 have been amended; no claims are newly canceled; claim 31 is newly added. Applicants believe that this Amendment does not add new matter. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

By the foregoing Amendment, Applicants have amended and/or cancelled various claims solely for purposes of expediting prosecution of this Application. Applicants expressly reserve the right to prosecute the subject matter of any claim pending prior to the foregoing Amendment, or any other subject matter supported by the Specification, in one or more continuation and/or divisional applications.

Withdrawal from Finality

Applicants thank the Examiner for withdrawing finality of the Office Action mailed April 28, 2009.

Rejection Under 35 U.S.C. § 102

The Examiner has rejected claims 1-4, 8-11, 17-22, 29 and 30 under 35 U.S.C. § 102 as allegedly being anticipated by U.S. Patent No. 6,411,198 to Hirai *et al.* ("Hirai"). Applicants traverse this rejection because the reference relied upon by the Examiner does not disclose each and every feature of the claimed invention. Nonetheless, solely to expedite prosecution of this application, Applicants have amended the claims to clarify various features of the claimed invention. Hirai fails to disclose all the features of the claims as amended.

Claims 1-4, 8-11, 17-22, 29

Claim 1 as amended recites, among other things:

extracting the haptic code from the input signal,
the haptic code being associated with a haptic logo which
distinctly corresponds to the calling or sending party...
providing a control signal to an actuator, the
control signal being based at least in part on the haptic

code and configured to **be directly applied to the actuator** to cause the actuator to output a haptic effect associated with the haptic logo...

Claims 8, 17, and 29 have been amended to recite similar features. In other words, the haptic logo as claimed may be used to **distinctly identify a calling or sending party** and a control signal associated with the haptic logo may be **directly applied** to an actuator to generate a haptic effect. In contrast, Hirai uses codes that may be used by any calling party (so long as the calling party knows the codes) and that are pre-defined at a device of a called party. Thus, the codes of Hirai do not distinctly identify a calling party because any calling party may use the codes to cause particular sounds to be output at a device of the called party. Furthermore, the codes are not directly applied to an actuator because the codes are first determined to correspond to a preset melody rather than being directly applied.

Hirai generally describes a sounding pattern set by a calling party and uses the sounding pattern at a device of the called party. See, e.g., *Hirai*, Abstract. Hirai describes that “[p]rovided that a communications service provider of the portable terminal device of a called party is NTT...the calling party dials telephone number 030-10-1655 first and then the telephone number of the called party.” *Hirai* at col. 9 at ll. 62-65. In other words, Hirai is constrained to a particular service provider that knows the pre-defined codes and provides service to the device of the called party.

Specifically, after a calling party first dials the telephone number of the service provider, Hirai describes that “[i]n a case where the melody entitled ‘Let it be’...is issued as a melody, number ‘14’ is dialed.” *Hirai* at col. 10, ll. 5-7. In other words, a calling party enters the number “14” in order to encode the melody “Let it be” to be played at the device of the called party. When the device of the called party receives the message from the caller, the device “recognizes that the sound data set by the calling party are included in the received data set, thus instructing the sound control section 5 to select number ‘14’ **which represents a sound pattern.**” *Hirai* at col. 10, ll. 25-28. In other words, the called party of Hirai receives the pre-defined code “14” and associates code 14 with the desired melody. Thus, a calling party that sends code 14 may not be distinctly identified because any other caller may use this code. Furthermore, because the device of the called party associates the

pre-defined code 14 with the desired melody before applying the code to (in this case) a speaker, the pre-defined code is not directly applied as claimed.

For at least the foregoing reasons, Hirai does not disclose all the features of the claims as amended. As such, the rejection of claims 1, 8, 17, and 29 is improper and must be withdrawn. Claims 2-4, 9-11, and 18-22 depend from and add features to one of claims 1, 8, and 17. As such the rejection of these dependent claims are likewise improper and must be withdrawn.

Claim 30

Claim 30 has been amended to recite, among other things:

receiving a first input signal at a communication device;
extracting a haptic code from the first input signal at the communication device, the haptic code being associated with a haptic logo distinctly corresponding to the calling or sending party...
receiving a second input signal at the communication device, wherein the second input signal indicates a distance between the calling or sending party and the communication device; and
causing the actuator to output a second haptic effect based on the second input signal

Thus, claim 30 has been amended to recite a first input signal associated with a haptic logo (as described above) that identifies a calling or sending party and a second input signal that indicates a distance between the calling or sending party and the communication device. In this manner, for example, a calling or sending party may identify themselves and indicate a distance to the calling or sending party from the communication device. Hirai does not disclose at least these features of claim 30 as amended. As such, the rejection of claim 30 as amended is improper and must be withdrawn.

Rejection Under 35 U.S.C. § 103

The Examiner has rejected claims 23 under 35 U.S.C. § 103 as allegedly being unpatentable over Hirai in view of WIPO Publication No. WO 02/03172 by

Wies *et al.* ("Wies"). Claim 23 depends from and adds features to claim 17. Wies does not cure the deficiencies of Hirai discussed above. As such, for at least the reasons set forth above with regard to claim 17, the rejection of dependent claim 23 is improper and must be withdrawn.

New claim 31

Applicants have added claim 31, which ultimately depends from and adds features to claim 1. As such, claim 31 should be allowed for at least the reasons discussed above with respect to claim 1.

CONCLUSION

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: **April 23, 2010**

Respectfully submitted,

By:



Hean L. Koo
Registration No. 61,214

Customer No. 26158

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
P.O. Box 7037
Atlanta, GA 30357-0037
Main: 404-872-7000
Direct Dial: 703-394-2274
Fax: 404-888-7490